

October 17, 2012

RECEIVED BY
COMMUNITY

OCT 18 2012

Dear Chairman Toerge and Members Of the Planning Commission,

DEVELOPMENT
CITY OF NEWPORT BEACH

We are residents and a condominium owner in the 28th Street Marina. We object strongly to the request for amendment to the Conditional Use Permit No. 3065 by Woody's Wharf. We residents are already disturbed nightly by their continual violations of their existing conditions. Now they wish to be rewarded for their violations by being granted permission to use their Patio/deck until 2am. They are continually overcrowded but they now want to increase their capacity so that they are not overcrowded. They have dancing all the time but no permit for it, they say in their application that they will close their doors at 11pm to the patio so music does not leave the area "...except when entering and leaving ..." which is all the time, and they say nothing about the party boats that tie up at their docks that have loud music blaring while half the occupants stay on board and drink. Noise travels far when on the water as we all know and this is no exception.

Where does the City draw the line? Since 1983 the requirement to stop the use of the patio/deck has been in place. We residents bought our units with the knowledge that we live in a mixed-use area. We embrace the live, work, shop convenience. But we also believed in the City's ordinances and regulations and the City's resolve in upholding them. As we all know, mixed use only works if all parties respect each other and their rights. These restrictions have been in place for Woody's for 29 years! We relied on those restrictions and the time that the CUP allows for outdoor dining. **What we do not accept is the flagrant violations and total disregard that Woody's has shown its neighbors.** They are simply bad operators who have turned this great restaurant into a late night club. If Woody's will not live up to their requirements then why should the City reward them as they are requesting? We certainly hope that the City's quest for sales tax revenue will not be at the expense of its residents.

Here is a small example of the path that has lead us to this point:

- 1983 – Use Permit 3065 granted. Use of exterior deck to cease at 11pm
- 1988 – Request to use deck/patio until 2am. Unanimously denied
- 1988 – Again requested to use deck/patio until 2am. Again denied
- 1995 – Outdoor Dining Permit No. 1 granted. Patio/deck to close at 11pm, noise from live entertainment shall be confined to the interior of the building,
- 2006 – Live Entertainment Permit issued. Sound confined to interior of building, outside deck/patio not utilized after 11pm, dancing prohibited. Permit may be revoked if "music or noise from the establishment for which

permit is issued interferes with the peace and quietness of the neighborhood." PERMIT CONDITIONS SIGNED AND ACKNOWLEDGED BY OPERATOR ON 3/16/06.

Time and time again Woody's has tried to obtain approval for a later use, but all Planning Commissions have denied them. We are in a mixed-use area and it will only thrive and redevelop if there is good planning and balance between the uses. One cannot dominate at the expense of the other. Woody's has shown no regard for its neighbors, rather it appears solely on a quest to dominate the neighborhood.

We are required to phone the NBPD every time we believe that we see or hear a violation. Why is the onus on the residents? Why does the City not initiate the action? Once we report the suspected violation to the NBPD they dispatch a patrol to investigate. When that is done it is forwarded to the Code Enforcement Department. And many times the process stops at this point. We have been told that "out of an abundance of caution" the City will not be writing citations every time. Why is that? Why doesn't something happen? There is a new structure in place that assesses higher dollar amounts for fines but that is not being used. Why not? We are frustrated and fed up. When will the City show backbone in enforcing their permits?

Please do not reward these offenders by approving this application rather deny it. And please help us to have the City enforce the existing regulations. The regulations are there for a reason. Let's make the McFadden Square/Cannery Village General Plan work.

Thank you,

Jack & Betty Gleason

28th Street Marina
2600 Newport Blvd
Newport Beach

Cc Javier S. Garcia, AICP
Planning Division



City of Newport Beach Planning Dept
Att: Mr. Javiar Garcia
3300 Newport Blvd.
Newport Beach CA 92663

October 20, 2012

Dear Mr. Garcia and Planning Department:

We are residents at 2700 Newport Blvd, #224. I am very disturbed to learn of news that the owners of Woody's Wharf are requesting an approval from the City of Newport Beach to extend their hours of operation past 10pm. This bar has been a huge problem with regard to crowd noise and loud music. They pack their bar with young drinkers and make too much noise!

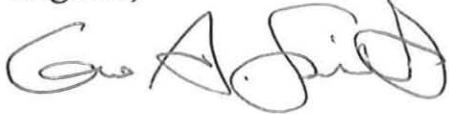
My wife and I have chose this development as our retirement home. All of our grandchildren live here. We want to spend the rest of our days with our family and would like this noise issue solved once and for all. Woody's Wharf is the main offender here. This neighborhood was peaceful when we purchased this home more than 15 years ago.

I am a retired high school principle. I am recovering from two hip surgeries, My wife doesn't work and additionally I don't have the kind of money these wealthy nightclub owners at Woody's has to move somewhere else. They are making a killing at their business and don't let them tell you otherwise. Please do the investigation necessary to not only deny them of this request for extended hours of operation. Please help us make them adhere to the laws that already exist pertaining to their business.

It is completely wrong for these new owners of Woody's to profit while we suffer! Do not allow Woody's Wharf to continue to ruin our neighborhood Mr. Garcia. Please represent us fairly when you meet to decide our fates.

Thank you very much.

Regards,

A handwritten signature in black ink, appearing to read "Gene A. Smith". The signature is fluid and cursive, with the first name "Gene" written in a larger, more prominent script than the last name "Smith".

Gene A. Smith

#224 2700 Newport Blvd. Newport Beach, CA 92663



**Fueling Solutions, Inc.
Christopher J. Rolfs
2700 Newport Blvd. Suite #324
Newport Beach, CA 92663
Tel: 949.675.1114 fax: 949.675.3366
cjrolfs@fuelingsolutions.com**

October 21, 2012

City of Newport Beach Planning Department
Attention: Mr. Javier S. Garcia
jgarcia@newportbeachca.gov
3300 Newport Blvd.
Newport Beach, CA 92663

Dear Mr. Garcia and Members of the Newport Beach Planning Commission:

I am the owner of unit #324, 2700 Newport Blvd. I have lived here for nearly twenty years. I have supported and befriended many of the businesses in this mixed use neighborhood, particularly Woody's Wharf, however, I am adamantly opposed to Woody's Wharf's new owners making any changes to the existing laws that they do not respect now. The noise they create makes regular sleep impossible!

I attended an association meeting with the owners, Greg Pappas and associates several years ago and they promised to handle the noise situation. They put up a tent for a while which helped to some degree, but, have since decided to completely ignore our concerns and they turn the restaurant into a nightclub complete with an outdoor bar. The music is loud and the customers have to shout even louder to each other to be heard over the music. Even with the doors closed the noise is so loud I can't even hear my own music.

I have pretty much given up with calling the police. They stop by, the music goes down and ten minutes later it is turned back up again with complete disregard for the police as well as the neighborhood. This is a complete waste of valuable resources and tax payer's dollars.

I have worked in sales traveling nearly every weekday. When I get home I want to relax and not drive anywhere. Twenty years ago I was very attracted to the mixed use concept of the 28th Street Marina development, but was very concerned about noise at night. I visited and spent many late weekend nights at the docks here to monitor the sound, particularly pertaining to the sound transmission from the water and Woody's Wharf. Except for the occasional loud Duffy boat with people partying there was no noise of any concern. It is completely different now and it really needs your attention.

You are probably being faced with the purported precedence that these operators have been here longer than we have. I have been a patron of Woody's, Cassidy's, and particularly Avila's for years. Avila's brings a lot of families and tourists to the neighborhood. They still appear too crowded on Tuesday nights, but, at least have made the investment with windows and have moved the entrance line to their parking lot.

Cassidys shuts their windows at approximately nine o'clock and closes the doors facing our buildings. Woody's just thumbs their noses at us and stacks the money high.

Please do not pass any new licenses or allowances for extended hours of bars that are already abusing their original permits.

Thank you for your valuable time and consideration on this important matter.

Sincerely,

Chris Rolfs

Christopher J. Rolfs
2700 Newport Boulevard, #324
Newport Beach, CA 92663



October 21, 2012

City of Newport Beach Planning Dept.
Att: Mr. J. Garcia
3300 Newport Blvd
Newport Beach, CA 92663

Subject: Woody's Wharf Noise, proposed request for extended hours of operation

Dear Mr. Garcia

I am very opposed to request for extended hours of operation at Woody's Wharf restaurant.

I am very busy and work very much for living in such a beautiful home. Please do not allow this to happen as I am very much against it. It was so nice when I purchase home 19 years ago.

I can not sleep when music is so loud. So very many people shouting. I can hear this with windows and doors shut and it is making me miserable every weekend.

Thank you for your cooperation in not making this allowed ever.

Sincerely

A handwritten signature in cursive script, appearing to read "Siong-Mee".

Siong-Mee
2700 Newport Blvd. #225
Newport Beach, CA 92663

RECEIVED BY
COMMUNITY

OCT 24 2012

DEVELOPMENT
CITY OF NEWPORT BEACH

City of Newport Beach Planning Dept
Att: Mr. Javier Garcia
3300 Newport Blvd.
Newport Beach CA 92663

October 22, 2012

Dear Mr. Garcia:

I am a resident at 2700 Newport Blvd, #225. I am very disturbed to learn of news that the owners of Woody's Wharf are requesting an approval from the City of Newport Beach to extend their hours of operation past 10pm. This bar/restaurant has been a huge problem with regard to crowd noise, loud music and often boat owners docked at their pier making a huge disturbance.

If you were ever here in our bedroom after 9pm every weekend night you would really comprehend how big a problem this is! If the City of Newport Beach did any type of study on how acoustics, in particular, loud music, and drunk people shouting, travels across the water you would be alarmed and as possibly mad as I am.

When we moved here we understood that we would hear boats, boat builders, owners would make noise and that we would have to deal with that. We understood that local restaurants and bars were here and that they could be heard across the water. Fifteen years ago that is just the way it was, BUT, that was during the daytime hours when we work! Evenings and weekends were very peaceful most of the time, especially at night when we need our sleep! Now it is often complete chaos during the weekends and on many weeknight evenings loud music and partying.

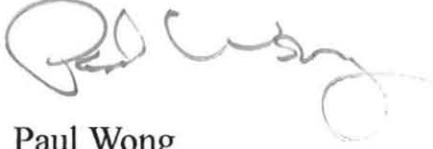
We trusted the City of Newport Beach to be responsible to our homes where we live year around.

We are not millionaires, just hard working citizens that pay our taxes and want the same respect in return from our city.

It is completely wrong for these new owners of Woody's to profit while we suffer! Do not allow this travesty to occur Mr. Garcia. Please represent us fairly when you meet to decide our fates.

Thank you very much.

Regards,

A handwritten signature in dark ink, appearing to read "Paul Wong", with a stylized flourish at the end.

Paul Wong

#225 2700 Newport Blvd. Newport Beach, CA 92663

RECEIVED BY
COMMUNITY

OCT 25 2012

DEVELOPMENT
CITY OF NEWPORT BEACH

October 22, 2012

City of Newport Beach Planning Department

Att: Mr. Javier Garcia

3300 Newport Blvd.

Newport Beach, CA 92663

Subject: Woody's Wharf Noise and proposed request for extension of outdoor patio hours

Dear Mr. Javier Garcia and Members of the Newport Beach Planning Commission:

My wife and I have lived here at 2700 Newport Blvd., Unit #220 for twenty years. We are extremely opposed to your consideration of extending outdoor music, dancing and drinking at Woody's Wharf past ten o'clock on any night of the week!

Our unit sits right off of Newport Blvd and we hear lot's of noise from Woody's Wharf and Commonwealth. Just in the last five years we have experienced a huge increase in noise from Woody's Wharf. Every weekend night we also see and hear more young people loitering in our courtyard between our buildings.

Litter, drunks, beer bottles and broken glass. It is demonstrably worse than approximately five years ago when the new owners of Woody's took over the business and turned the patio into it's own bar and nightclub after 10pm, playing loud music until past 1am.

We are tired from being awakened by the music and crowd noises every Thursday through Sunday nights. Calling the police time after time does absolutely nothing! The police are dispatched, arrive at Woody's, they turn down the music and as little as ten minutes later they turn up the music again.

My wife has a debilitating illness. My daughter and I are her caregivers. We all are terribly annoyed by the noise three to four nights a week. This neighborhood was so pleasant when we purchased this unit. It is where we plan to retire and this constant noise is completely unacceptable!

Please do not pass any new licenses or allowances for extended hours for Woody's Wharf. They are already abusing their original permits and ruining our previously lovely home and neighborhood!

Sincerely,



Richard and Karen Wagner
2700 Newport Boulevard, #220
Newport Beach, CA 92663